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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPATIALIGHT, INC.,
Plaintiff

v.

SMITHFIELD FIDUCIARY, L.L.C.,
and
PORTSIDE GROWTH
& OPPORTUNITY FUND
Defendant

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***07 CV 6944**

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***NOTICE OF VOLUNTARY**

***DISMISSAL WITHOUT PREJUDICE**

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***Electronically Filed**

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NOW INTO COURT, comes SpatiaLight, Inc. (hereafter "SpatiaLight"). SpatiaLight suggests that, pursuant to Federal Rule of Civil Procedure 41, it desires to dismiss all claims and causes of action brought by it against Portside Growth & Opportunity Fund (hereafter

“Portside”) in the captioned matter. Portside has served no answer or motion for summary judgment and this dismissal is therefore to occur as a matter of right and upon notice alone. Said dismissal shall be without prejudice and with each side to bear its own costs incurred in the matter.

OF COUNSEL:

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